

Funding for phases II and III to be included in the 1977 budget which could be accomplished by maintaining the same dues rate for 1977 as is currently the rate (2.5 mills) for 1976. The proposed 18% assessment for 1976 to be formally acted on by ballot vote which will be forwarded to members with requested return date of October 12, 1976. On motion, the recommendation was approved to be presented at Board of Directors meeting September 8. It was pointed out that the funds to support Phase I of the study may be provided as result of a meeting of chief executive officers of a number of member companies tentatively set for October 7 in New York City (concept approved at August 19 Executive Committee meeting). Solicited contributions from non-member companies and increased dues from a possible associate member category could also offset study expenses in 1977. Mr. Gabrielson said to date he had not been successful in obtaining an invitation to speak with the directors of the Quebec Asbestos Mining Association as regards the AIA/NA programs and expenses in connection with OSHA standards setting.

He said the meeting of the Legal/Medical Research Committee in New York City on August 24 was encouraging and considerable work had been accomplished by Special Counsel, Wendell B. Alcorn, Esq. and Dr. Enterline. He stated he had met with Mr. Alcorn and Dr. Weill to review a potential list of expert medical witnesses. It is planned that these individuals would be available to testify as might be required by member companies named as defendants in asbestos-related litigation cases. Mr. Alcorn will discuss this matter with the named individuals at the earliest opportunity. Medical Witnesses could serve two functions: (1) testify as to the actual health of a plaintiff, and (2) review the work being accomplished by Dr. Enterline and testify on state of the medical art.

Responding to Mr. Thurber, Mr. Gabrielson discussed status of multi-district panel approach to pending federal cases. The Judicial Panel on Multidistrict Litigation has ordered the parties in various asbestos products liability suits to show cause why these suits should not be consolidated for pretrial proceedings. Mr. Gabrielson referred to a memorandum on the subject which had been prepared by Cadwalader, Wickersham & Taft in New York. The "work product" is available to AIA/NA members upon request from company attorneys. He explained that such memoranda are considered protected from discovery. He said it was Cadwalader's opinion that it would probably be in the industry's best interest to oppose the multi-district procedure and seek separate trials. Mr. Gabrielson stated many insurance carriers including those of mining companies in Canada, had registered opposition to the procedure.